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REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The drawings stand objected to as showing reference signs which were not discussed in the specification. In response, the reference signs noted on page 2 have been added to the specification.

Claims 1, 11 and 21 stand rejected under 35 USC 112, first paragraph, as not supporting the word "time bin". This contention, however, is respectfully traversed. Clearly the specification explains that the time is "binned" and internally defines what binning is. Initially, the term bin is used in analogous situations, for example, histograms are often described in terms of binning various parameters. Accordingly, this language is in fact used in a more or less conventional sense. However, in order to make it more clear what is meant by binning, the claims have been amended to recite that one time bin refers to an interval of time.

Claims 1, 3-5, 11, 13-15, 21, and 23-25 and rejected under 35 USC 102(e), as allegedly being anticipated by US patent number 6,148,335 to Haggard. This contention is respectfully traversed, and it is respectfully suggested that the rejection does not meet the patent offices burden of providing a prima

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facie showing of unpatentability.

Claim 1 specifies a method for measuring communication over a network. An important aspect of claim 1 is that records from the server log are aggregated into a plurality of aggregate slots, each of the slots having at least one time bin that represents an interval of time. Statistical analysis is carried out on the different time bins of each of the aggregate slots. It is respectfully suggested that this technique, which separately analyzes the time bins, is not taught or suggested by Haggard. However Haggard admittedly teaches analysis of data from a network. The analysis of data is carried out along a number of different lines. For example, column 7, lines 22-44 explains that the processing can be carried out using SAP's set of software programs. The analysis described in Haggard explains "intrinsic time arithmetic and summarizing capabilities". While this describes in general these techniques, it does not describe specifically the aggregation described by claim one which aggregate records from the server log into a plurality of slots, each slot having a bin which represents an interval of time. In fact, '335 teaches in general that analysis will be carried out, but does not teach or suggest that this analysis is carried out specifically by aggregating reports from the server log into aggregate slots with time bins. The concept of time bins may produce certain

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advantages, for example, using a time bin for analysis may average out certain anomalies which could otherwise occur if the time bin were not used.

Therefore, it is respectfully suggested that claim 1 should be allowable for reasons stated above, along with the claims which depend therefrom.

The other rejected independent claims, including claims 11 and others should be allowable for similar reasons. Claim 11 specifies accessing and aggregating records from the server log into aggregate slots each having at least one time bin. As noted above, this is not taught or suggested by the cited prior art.

Claim 21 should be allowable for similar reasons, as it specifies aggregating into a time being within each aggregate slot. Therefore, each of these rejected claims should be allowable.

As noted above, the dependent claims should be allowable for similar reasons to those discussed above with respect to the respective independent claims. None of the secondary references in any way teach or suggest the claimed features, and hence these claims should be additionally allowable.

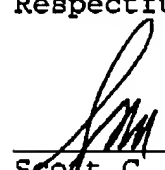A notice on the merits is requested.

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Respectfully submitted,

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